IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 5954 of 2007(H)

PETITIONER:

GOVINDAN NAMBOOTHIRI T.N.,
S/O. T.G.NARAYANAN NAMBOOTHIRI, AGED 23 YEARS,
THOTTAM ILLAM, P.O.KOTTAPPADY,
ERNAKULAM DISTRICT - 686 695.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:
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1. **MAHATMA GANDHI UNIVERSITY,**
   PRIYADARSHINI HILLS, KOTTAYAM-686 560,
   REPRESENTED BY ITS REGISTRAR.

2. **THE CONTROLLER OF EXAMINATIONS,**
   MAHATMA GANDHI UNIVERSITY, KOTTAYAM-686 560.

3. **JAI BHARAT ARTS & SCIENCE COLLEGE,**
   PERUMBAVOOR, REPRESENTED BY PRINCIPAL.

BY ADV. SRI. V.A. MOHAMMED

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.5954 OF 2007

Dated this the 23rd day of February, 2007

JUDGMENT

The petitioner's right to stand by the admission to the MBA course is concluded against him by judgment dated 18.8.2006 in W.P(C).4075/06. This writ petition is filed relying on the interim order passed in that case, which, obviously, does not survive the aforesaid judgment, which has been suppressed in this case. Since the judgment in W.P(C).4075/06 is binding on the petitioner, it may not be subjected to any re-consideration in the course of the writ petition now in hand. Hence the petitioner has not made out any case for issuance of any direction in this writ petition, as sought for by him, to direct the respondents to permit him to write the third semester examination for MBA course and also to issue hall ticket etc. May be such reliefs could have been considered in the light of Ext.P1 interlocutory order, had not W.P(C).4075/06 been dismissed. However, in the light of the dismissal of W.P(C).4075/06, the petitioner is not

entitled to the relief sought for in this writ petition. Hence this writ petition fails. It is accordingly dismissed. It is clarified that whatever rights of the petitioner is preserved by the last sentence in the judgment dated 18.8.2006 in W.P(C).4075/06 is not discharged by this judgment.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.